

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

KingCast.net

v.

Case No. 10-cv-492-PB

Kelly Ayotte Senate Campaign, et al.

O R D E R

My prior order referring this case to the Magistrate Judge is vacated. It does not appear from the record that all defendants have consented to removal as is required by 28 U.S.C. § 1446(b). See, e.g., Esposito v. Home Depot, 590 F. 3d 72,75 (1st Cir. 2009). Although, this defect is both correctable and waivable, it would be inadvisable for the court to retain jurisdiction to determine if the defect is ultimately corrected or waived because the defendant is seeking expedited relief. Accordingly, the case is remanded to state court.

SO ORDERED.

/s/Paul Barbadoro
Paul Barbadoro
United States District Judge

October 29, 2010

cc: Christopher King, pro se
Gordon MacDonald, Esq.
Brian J.S. Cullen, Esq.
Jennifer L. Parent, Esq.